

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Children, Families, and Elder Affairs Committee

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BILL: SB 2472

INTRODUCER: Senator Storms

SUBJECT: Education of Children with Disabilities

DATE: March 17, 2010

REVISED: 03/18/10

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Hansson	Walsh	CF	<b>Fav/1 amendment</b>
2.			ED	
3.			HE	
4.			EA	
5.				
6.				

**Please see Section VIII. for Additional Information:**

- |                              |                                     |   |
|------------------------------|-------------------------------------|---|
| A. COMMITTEE SUBSTITUTE..... | <input type="checkbox"/>            | Statement of Substantial Changes        |
| B. AMENDMENTS.....           | <input type="checkbox"/>            | Technical amendments were recommended   |
|                              | <input type="checkbox"/>            | Amendments were recommended             |
|                              | <input checked="" type="checkbox"/> | Significant amendments were recommended |

**I. Summary:**

The bill requires minimum training for child care personnel to include the identification and care of children with developmental disabilities, including autism spectrum disorder. The bill revises requirements for student eligibility to participate in the John M. McKay Scholarship for Students with Disabilities Program, requiring that the student attend a Florida school for a minimum of six months and includes the Florida Virtual School and the school district's virtual education program within the meaning of prior school year in attendance. The bill requires regional autism centers to provide certain support for serving children with developmental disabilities.

The bill creates s. 1012.582, F.S., which requires the Department of Education to incorporate course curricula relating to developmental disabilities into existing requirements for the continuing education or inservice training of instructional personnel. The bill directs the Commissioner of Education to make recommendations to the department relating to developmental disabilities awareness instruction and methods for teaching students with developmental disabilities. The bill authorizes the State Board of Education to adopt rules.

This bill substantially amends the following sections of the Florida Statutes: 402.305, 1002.39, and 1004.55. The bill creates s. 1012.582, F.S.

## II. Present Situation:

### Training Requirements for Child Care Personnel

In 1985, the Florida Legislature passed a law mandating introductory child care training for all child care personnel in child care facilities. Over the years, the Florida Legislature expanded the introductory child care training requirements supporting early childhood education research and the industry needs.<sup>1</sup>

Pursuant to s. 402.305, F.S., the introductory child care mandated training program for all child care facility personnel must be 40-clock-hours and include:

- Child care facility rules and regulations;
- Health, safety, and nutrition;
- Identifying and reporting child abuse and neglect;
- Child growth and development, including typical and atypical language, cognitive, motor, social, and self-help skills development;
- Behavioral development observation and screening; and
- Specialized areas, including computer technology for professional and classroom use and early literacy and language development.

Section 402.305, F.S., also requires the introductory course to cover recognition and prevention of shaken baby syndrome, prevention of sudden infant death syndrome, and early childhood brain development within the topic areas identified in the above paragraph. All child care facility personnel must begin the 40-clock-hour introductory child care training within 90 days of employment in the child care industry. Child care personnel shall successfully complete such training within one year after the date on which the training began, as evidenced by passage of a competency examination. Finally, child care personnel are also required to have five additional clock-hours of training in early literacy and language development of children from birth to five years of age.

According to the Florida Department of Children and Families (DCF), many of the courses in the mandatory 40-clock-hour introductory child care training program cover autism spectrum disorders. The mandatory Child Growth and Development course includes, “child development, including typical and atypical language, cognitive, motor, social, and self-help skills development.” Additionally, however, to a lesser extent, special needs issues, including autism, are addressed in the Health, Safety, and Nutrition and also the Behavioral Observation and Screening courses, which are also included in the mandatory 40-clock-hour introductory course. DCF also provides a Special Needs Appropriate Practice training course, which is mandatory for child care directors and available for all child care personnel, which includes awareness instruction and methods for teaching students with developmental disabilities.<sup>2</sup>

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<sup>1</sup> Florida Department of Children and Families, *Training Requirements for Child Care Personnel*, <http://ccrain.fl-dcf.org/documents/7/51.pdf>, (last visited March 17, 2010).

<sup>2</sup> Florida Department of Children and Families 2010 Bill Analysis & Economic Impact Statement for SB 2472 (on file with the Children, Families, and Elder Affairs Committee).

<sup>3</sup> This does not factor in those served through Medicaid. *Id.*

**John M. McKay Scholarships for Students with Disabilities Program**

The John M. McKay Scholarships for Students with Disabilities Program (program) began in 1999 as a pilot program and has rapidly expanded, serving over 20,500 Florida students with special needs during the 2008-09 school year.<sup>3</sup> The program is set forth in s. 1002.39, F.S., and allows Florida public school students with disabilities to attend a public school or private school of their choice and provides scholarships to those students who choose to attend a private school.<sup>4</sup>

The program is funded through the Florida Education Finance Program.<sup>5</sup> In order to be eligible for the program, the student must be in kindergarten through grade 12 and be documented as having an intellectual disability; a speech impairment; a language impairment; a hearing impairment, including deafness; a visual impairment, including blindness; a dual sensory impairment; an orthopedic impairment; another health impairment; an emotional or behavioral disability; a specific learning disability, including, but not limited to, dyslexia, dyscalculia, or developmental aphasia; a traumatic brain injury; a developmental delay; or autism spectrum disorder. The student must also have spent the prior school year attending a Florida public school or the Florida School for the Deaf and the Blind. Prior attendance means that the student was:

- Enrolled and reported by a school district for funding during the preceding October and February Florida Education Finance Program surveys in kindergarten through grade 12, which shall include time spent in a Department of Juvenile Justice commitment program if funded under the Florida Education Finance Program;
- Enrolled and reported by the Florida School for the Deaf and the Blind during the preceding October and February student membership surveys in kindergarten through grade 12; or
- Enrolled and reported by a school district for funding during the preceding October and February Florida Education Finance Program surveys, was at least 4 years old when so enrolled and reported, and was eligible for services under s. 1003.21(1)(e).

However, this provision does not apply if the child is a dependent child of a member of the United States Armed Forces who transfers to a school in this state or from a foreign country pursuant to a parent's permanent change of station orders.

**Florida Virtual Learning School**

The Florida Virtual Learning School (FVLS) was founded in 1997 and is an online Internet learning model.<sup>6</sup> The Florida Legislature codified the FLVS in statute in 2002.<sup>7</sup> Currently, the

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<sup>4</sup> Florida Department of Education, *McKay Scholarship Program FAQs*, <http://www.floridaschoolchoice.org/Information/McKay/faqs.asp>, (last visited March 16, 2010).

<sup>4</sup> The Florida Senate, Committee on Education, *McKay Scholarship Program Accountability* (Interim Project Report 2004-130) (November 2003).

<sup>5</sup> *Id.*

<sup>6</sup> Florida Virtual School, <http://www.flvs.net/areas/aboutus/Pages/default.aspx>, (last visited March 12, 2010).

<sup>7</sup> Section 1002.37, F.S.

FVLS has about 80,000 students.<sup>8</sup> Pursuant to s. 1002.37, F.S., the mission of the Florida Virtual School is to provide students with technology-based educational opportunities to gain knowledge and skills necessary to succeed. The school serves any student in the state who meets the profile for success in this educational delivery context and gives priority to students who need expanded access to courses in order to meet their educational goals, such as home-schooled students, students in inner-city and rural high schools who do not have access to higher-level courses (*e.g.* AP classes), and students seeking accelerated access in order to obtain a high school diploma at least one semester early.<sup>9</sup> Florida residents take courses for free, and non-Florida residents take courses based on tuition rates.<sup>10</sup> Students in Florida have a right to choose Florida Virtual School as an educational option.<sup>11</sup>

### **Regional Autism Centers**

Section 1004.55, F.S., designates seven regional autism centers (Centers for Autism & Related Disabilities or CARDS) to provide nonresidential resource and training services for persons of all ages and all levels of intellectual functioning who have autism; a pervasive developmental disorder that is not otherwise specified; who have an autistic-like disability; who have a dual sensory impairment; or who have a sensory impairment with other handicapping conditions.<sup>12</sup> Each center must be operationally and fiscally independent, provide services within its geographical region of the state, and coordinate services within and between state and local agencies provided by those agencies or school districts.

Each center must provide:

- A staff with expertise in autism, autistic-like behaviors, and sensory impairments;
- Individual and direct family assistance in the home, community, and school; however, center assistance should not supplant responsibilities of local and state agencies, and school districts;
- Technical assistance and consultation services;
- Professional training programs; and
- Public education programs.

Each CARD has a constituency board that must work collaboratively with the center. The boards must include at least 6 members. Each board member must have a disability served by the center or have a family member with such disability. Board members are selected by the university president from a list developed by constituency groups that represent persons with sensory impairments served by the center. The boards meet quarterly with staff of the center to provide advice on policies, priorities, and activities. Each board submits an annual report to the

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<sup>8</sup> Keith Morelli, *Florida Virtual school Strives to Stem Budget Cuts*, TAMPA TRIBUNE, available at: <http://www2.tbo.com/content/2009/apr/02/florida-virtual-school-strives-stem-budget-cuts/news-breaking/>, (last visited March 16, 2010).

<sup>9</sup> *Id.*; s. 1002.37, F.S.

<sup>10</sup> Florida Virtual School, <http://www.flvs.net/areas/aboutus/Pages/default.aspx>, (last visited March 12, 2010).

<sup>11</sup> *Id.*

<sup>12</sup> The locations of current CARDS include: College of Medicine at Florida State University; College of Medicine at the University of Florida; University of Florida Health Science Center at Jacksonville; Louis de la Parte Florida Mental Health Institute at the University of South Florida; Mailman Center for Child Development and the Department of Psychology at the University of Miami; College of Health and Public Affairs at the University of Central Florida; and Department of Exceptional Student Service at Florida Atlantic University. Section 1004.55, F.S.

university president and the Department of Education (DOE) that evaluates the activities and accomplishments of its center during the year. The board for each center should raise funds equivalent to 2 percent of the total funds allocated to that center each fiscal year.

An annual conference must be held for staff of the centers and representatives of each constituency board to promote statewide planning and coordination. The State Board of Education has responsibilities for adopting rules to carry out the purposes of statutory provisions relating to regional autism centers.

### **Autism Spectrum Disorder**

“Autism Spectrum Disorders (ASD), also known as Pervasive Developmental Disorders (PDDs), cause severe and pervasive impairment in thinking, feeling, language, and the ability to relate to others.”<sup>13</sup> “Health care providers think of autism as a spectrum disorder, a group of disorders with similar features.”<sup>14</sup> These disorders are usually first diagnosed in early childhood, approximately 18 months of age, and range from a severe form, called autistic disorder, through pervasive development disorder not otherwise specified (PDD-NOS), to a milder form, Asperger syndrome.<sup>15</sup> They also include two rare disorders, Rett syndrome and childhood disintegrative disorder.<sup>16</sup>

There is no cure or one single treatment for autism spectrum disorders.<sup>17</sup> There are, however, ways to help minimize the symptoms of autism spectrum disorders and maximize learning.<sup>18</sup> These treatments include: behavioral therapy and other therapeutic options, educational and/or school-based options, and medication options.<sup>19</sup>

New data shows that one in 110 children suffer from an autism spectrum disorder.<sup>20</sup> The signs or symptoms of autism involve problems in communication, impairment in social interaction, and routines or repetitive behavior.<sup>21</sup> Examples of these symptoms include: difficulty understanding how others think and feel; obsessively following routines or schedules; playing in a repetitive way; lack of eye contact; and difficulty holding a conversation.<sup>22</sup> These symptoms present unique challenges for teachers, parents, therapists, and public citizens in terms of coping with these behaviors. In order to do so, research has encouraged learning as much as one can to help children and adolescents suffering from an autism spectrum disorder.

<sup>13</sup> National Institute of Mental Health, *Autism Spectrum Disorders (Pervasive Developmental Disorders)*, <http://www.nimh.nih.gov/health/publications/autism/complete-index.shtml>, (last visited March 16, 2010).

<sup>14</sup> National Institute of Child Health and Human Development, *Autism Spectrum Disorders*, <http://www.nichd.nih.gov/health/topics/asd.cfm>, (last visited March 16, 2010).

<sup>15</sup> *Id.*; National Institute of Mental Health, *Autism Spectrum Disorders (Pervasive Developmental Disorders)*, <http://www.nimh.nih.gov/health/publications/autism/complete-index.shtml>, (last visited March 16, 2010).

<sup>16</sup> National Institute of Mental Health, *Autism Spectrum Disorders (Pervasive Developmental Disorders)*, <http://www.nimh.nih.gov/health/publications/autism/complete-index.shtml>, (last visited March 16, 2010).

<sup>17</sup> National Institute of Child Health and Human Development, *Autism Spectrum Disorders*, <http://www.nichd.nih.gov/health/topics/asd.cfm>, (last visited March 16, 2010).

<sup>18</sup> *Id.*

<sup>19</sup> *Id.*

<sup>20</sup> Centers for Disease Control and Prevention, *Counting Autism*, <http://www.cdc.gov/ncbddd/features/counting-autism.html>, (last visited March 15, 2010).

<sup>21</sup> National Institute of Child Health and Human Development, *Autism Spectrum Disorders*, <http://www.nichd.nih.gov/health/topics/asd.cfm>, (last visited March 16, 2010).

<sup>22</sup> *Id.*

**Instructional Training of Institutional Personnel**

Section 1012.98, F.S., directs each school district to develop a professional development system, which shall be approved by the Department of Education. One of the requirements of the professional development system is that it must provide inservice activities couple with follow-up support appropriate to accomplish district-level and school-level improvement goals and standards. The inservice activities for instructional personnel shall focus on:

- Analysis of student achievement data;
- Ongoing formal and informal assessments of student achievement;
- Identification and use of enhanced and differentiated instructional strategies that emphasize rigor;
- Relevance;
- Reading in the content areas;
- Enhancement of subject content expertise,
- Integrated use of classroom technology that enhances teaching and learning,
- Classroom management,
- Parent involvement; and
- School safety.

**III. Effect of Proposed Changes:****Section 1**

The bill provides a short title for the legislation as the “Disabilities in Education Act.”

**Section 2**

The bill requires that, in addition to the other areas listed in s. 402.305, F.S., the 40-clock-hour child course that all child care personnel are required to take must also cover developmental disabilities, including autism spectrum disorder, and early identification, use of available state and local resources, classroom integration, and positive behavioral support for children with developmental disabilities.

The bill requires that the introductory course cover recognition and care of infants and toddlers with developmental disabilities, including autism spectrum disorder, in addition to recognition and prevention of shaken baby syndrome, prevention of sudden infant death syndrome, and early childhood brain development within the topic areas in all of the aforementioned areas.

**Section 3**

The bill places an additional requirement on eligibility for the John M. McKay Scholarship. A student must have spent 6 months or more during the prior school year in attendance at a Florida public school or the Florida School for the Deaf and the Blind. The bill adds to the definition of prior school year in attendance enrollment in the Florida Virtual School or in the school district’s virtual education program of curriculum.

**Section 4**

The bill requires regional autism centers to also provide coordination and dissemination of local and regional information regarding available resources for services with developmental

disabilities and support to state agencies in the development of training for early child care providers and educators with respect to the developmental disabilities.

### **Section 5**

The bill creates section 1012.5282 to provide continuing education and inservice training for teaching students with developmental disabilities.

The bill directs the Commissioner of Education to develop recommendations to incorporate autism spectrum disorder and other developmental disabilities awareness instruction into continuing education and inservice and other training programs for instructional personnel. The bill further directs the Commissioner of Education in developing the recommendation, to consult with the Surgeon General, the director of the Agency for Persons with Disabilities, representative from the education community in the state, and representatives from entities that promote awareness about autism spectrum disorder and other developmental disabilities. The bill requires the Commission of Education to provide programs and services to persons with developmental disabilities, including, but not limited to, regional autism centers.

The recommendations shall address, but not be limited to addressing:

- Early identification of, and intervention for, students who have autism spectrum disorder or other developmental disabilities;
- Curriculum planning and curricular and instructional modifications, adaptations, and specialized strategies and techniques;
- Assistive technology;
- Inclusive classroom educational practices, including collaborative partnerships;
- The use of available state and local resources; and
- The use of positive behavioral supports.

The course curricula recommendations by the Commissioner of Education shall be incorporated into existing requirements for the continuing education or inservice training of instructional personnel beginning in the 2010-11 school year. The requirements may not add to the total hours required for continuing education or inservice training as currently established by the Department of Education.

The bill requires the State Board of Education to adopt rules pursuant to ss. 120.536(1) and 120.54, F.S., as necessary to implement the section.

### **Section 6**

The bill provides an effective date of July 1, 2010.

## **IV. Constitutional Issues:**

### **A. Municipality/County Mandates Restrictions:**

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

**V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The bill would allow parents of students with disabilities to apply for the John M. McKay Scholarship Program for Students with Disabilities after completing six months, *i.e.* one semester, in a Florida public school or the Florida School for the Deaf and the Blind.

C. Government Sector Impact:

The Florida Department of Children and Families (DCF) would need to add autism spectrum disorder identification and training to their existing training program for child care personnel. However, DCF does not anticipate that this will significantly impact the curriculum, as the curriculum already includes some training in these areas.<sup>23</sup>

There is expected to be a fiscal impact on the Florida Department of Education in implementing the continuing education and inservice training for teaching students with developmental disabilities.

**VI. Technical Deficiencies:**

The placement of the proposed training language only within s. 402.305(2), F.S., as opposed to ss. 402.313 and s. 402.3131, excludes family day care homes and large family care homes.<sup>24</sup>

**VII. Related Issues:**

None.

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<sup>23</sup> Florida Department of Children and Families 2010 Bill Analysis & Economic Impact Statement for SB 2472 (on file with the Children, Families, and Elder Affairs Committee).

<sup>24</sup> *Id.*



**VIII. Additional Information:**

- A. **Committee Substitute – Statement of Substantial Changes:**  
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

- B. **Amendments:**

**Barcode 951524 by Children, Families, and Elder Affairs on March 18, 2010:**

The amendment revises requirements for student eligibility to participate in the John M. McKay Scholarship for Students with Disabilities Program, requiring that the student attend a Florida school for a minimum of 18 weeks and includes a child at least 4 years old and enrolled in a special education program in a private school within the meaning of prior school year in attendance.